

MEMORANDUM OF AGREEMENT
BETWEEN THE
ARMY GENERAL COUNSEL
AND THE
DEPARTMENT OF THE ARMY INSPECTOR GENERAL

I. **PURPOSE.** This Memorandum of Agreement (MOA) is designed to ensure that the Department of the Army Inspector General (DAIG) resources are used appropriately in executing the Army's Ethics Program. It defines the respective responsibilities of the Office of the Army General Counsel (OGC) and the DAIG in investigating alleged violations of DoD's standards of conduct regulation and Federal laws governing the conduct or financial holdings of Army officers and employees.

II. **AUTHORITY:** This MOA implements the Ethics in Government Act of 1978, Pub. L. No. 95-521, as amended (hereinafter "Act"); 5 C.F.R. Part 2638, "Office of Government Ethics and Executive Agency Ethics Program Responsibilities"; and DoD 5500. 7-R, Joint Ethics Regulation (JER), sections 1-209, 1-401, 1-412, and 1-413.

II. **RESPONSIBILITIES:**

A. Army General Counsel. As the Army's Designated Agency Ethics Official (DAEO), the Army General Counsel will ensure that the Army promptly and effectively investigates and remedies violations or potential violations, or appearances thereof, of applicable ethics laws and regulations, including post employment regulations. In discharging this responsibility, the Army General Counsel (or the Alternate DAEO) and the ethics counselors under his professional oversight will:

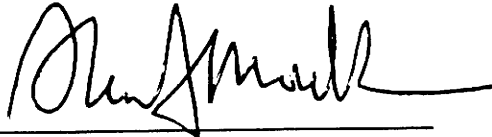
- (1) Refer to the servicing Inspector General for investigation matters involving alleged violation(s) of federal ethics laws and regulations;
- (2) Coordinate the referral of cases involving suspected criminal violations of ethics laws and regulations to the U.S. Army Criminal Investigation Command;
- (3) Review reports of investigation prepared by Inspectors General to:
 - (a) advise on the proper application of ethics laws and regulations, and
 - (b) determine whether such reports disclose a need for revising DoD's standards of conduct or remedying systemic or recurring problems within the Army.

- (4) Coordinate the referral of cases involving suspected criminal violations of ethics laws to the Department of Justice, using OGE Form 202, Notification of Conflict of Interest Referral;
- (5) Assist in providing ethics training to Army Inspectors General.

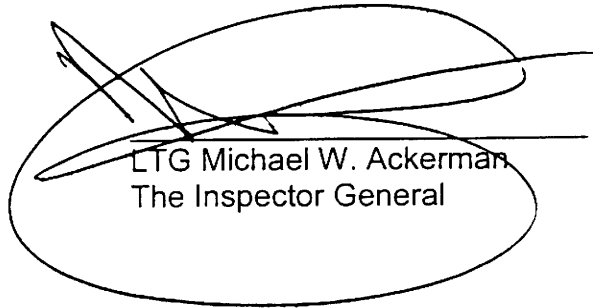
B. The Inspector General. In accordance with DoD 5500.7-R, Joint Ethics Regulation, section 1-413, the Inspector General and inspectors general under his policy oversight will:

- (1) Investigate ethics matters arising within the Army that are properly referred for investigation;
- (2) Coordinate with their supporting ethics counselor when conducting investigations that involve alleged violations of Federal ethics laws and regulations
- (3) Refer to the U. S. Army Criminal Investigation Command any such matters that involve suspected criminal violations;
- (4) Coordinate with their supporting ethics counselor when conducting investigations that may result in referral to the Department of Justice or local U. S. Attorney's Office;
- (5) Provide final reports of investigation to their supporting ethics counselor that describe:
 - (a) investigative matters that are required by the Office of Government Ethics to be included in the Army's annual ethics survey; and
 - (b) situations that have resulted or may result in violations of ethics laws and regulations, in order to enable the Department of Defense Standards of Conduct Office to develop, maintain and publish a list of such circumstances and situations, as required by section 206(b) (7) of the Act, and 5 C.F.R. § 2638.203(b) (5).
- (6) The DAIG will provide introductory ethics training for Inspectors General, to ensure that ethics related cases are handled appropriately.
- (7) To heighten the ethical awareness of Army personnel, the DAIG will make available for possible publication in the Chief of Staff's Weekly Summary, appropriate abstracts of factual scenarios based upon finalized reports of investigation involving ethics violations by senior Army personnel.

III. EFFECTIVE DATE AND MODIFICATIONS. This agreement shall become effective upon execution, and shall remain in effect until rescinded in writing. Any modifications to this MOA shall be made in writing, and are subject to the concurrence of both parties.



Steven J. Morello
Army General Counsel



LTG Michael W. Ackerman
The Inspector General

Effective: 09 April 2002